

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

DAVID BUNN; JUDITH BUNN; CHRISTENA	:	CIVIL DOCKET NO.
DODGE; DANIEL COLLINS; JAMIE DODGE;	:	
COUGAR JOHN BUNN; PHOENIX DODGE	:	
<i>per proxima amici</i> CHRISTENA DODGE;	:	
JUSTICE DODGE <i>per proxima amici</i>	:	
CHRISTENA DODGE,	:	
PLAINTIFFS,	:	
v.	:	
	:	
CHIEF KEVIN GLEASON; OFFICER	:	
KENNETH FITZGERALD; AGENT SCOTT E.	:	
HALEY, HOLLAND POLICE OFFICER JOHN	:	
DOE 1; HOLLAND POLICE OFFICER JOHN	:	
DOE 2; HOLLAND POLICE OFFICER JOHN	:	
DOE 3; HOLLAND POLICE OFFICER JOHN	:	
DOE 4; HOLLAND POLICE OFFICER JOHN	:	
DOE 5; HOLLAND POLICE OFFICER JOHN	:	
DOE 6; EASTERN HAMPDEN TASK FORCE	:	
AGENT JOHN DOE 1; EASTERN HAMPDEN	:	
TASK FORCE AGENT JOHN DOE 2; EASTERN	:	
HAMPDEN TASK FORCE AGENT JOHN DOE 3;	:	
EASTER HAMPDEN TASK FORCE AGENT	:	
JOHN DOE 4; EASTERN HAMPDEN TASK	:	
FORCE AGENT JOHN DOE 5, in their official	:	
and individual capacities,	:	
DEFENDANTS.	:	NOVEMBER 13, 2006

AMENDED COMPLAINT

PRELIMINARY STATEMENT

1. This action is brought by plaintiffs against defendants, who acting under color of state law, charter, ordinance, regulation, custom or usage, have unlawfully violated the plaintiffs' civil and due process rights by falsely arresting

and imprisoning, retaliating against them and intentionally inflicting emotional distress upon the plaintiffs in violation of their civil rights.

NATURE OF ACTION

2. This action arises under Title 42 U.S.C. §§ 1983, and 1988; the First, Fourth and Fourteenth Amendments to the United States Constitution and state common law.

JURISDICTION

3. This court's jurisdiction is invoked pursuant to Title 28 U.S.C. § 1331, and the aforementioned constitutional provisions. Plaintiffs further invoke the pendent jurisdiction of this court to hear and decide claims arising under state law. The amount in controversy exceeds Fifteen Thousand Dollars (\$15,000.00), excluding interests and costs.

PARTIES

4. At all relevant times, the plaintiff, JUDITH BUNN, was a resident of the State of Connecticut and was a citizen of the United State of America.

5. At all relevant times, the plaintiff, DAVID BUNN, a.k.a. "C.J. BUNN", was a resident of the State of Massachusetts and was a citizen of the United State of America.

6. At all relevant times, the plaintiff, CHRISTENA DODGE, was a resident of the State of Massachusetts and was a citizen of the United State of America.

7. At all relevant times, the plaintiff, JAMIE DODGE, was a resident of the

State of Massachusetts and was a citizen of the United State of America.

8. At all relevant times, the plaintiff, PHOENIX DODGE, was a minor, and resident of the State of Massachusetts and was a citizen of the United State of America.
9. At all relevant times the plaintiff, JUSTICE DODGE, was a minor, and resident of the State of Massachusetts and was a citizen of the United State of America.
10. At all relevant times, the plaintiff, DANIEL COLLINS, was a resident of the State of Massachusetts and was a citizen of the United State of America.
11. At all relevant times, the defendant, CHIEF KEVIN GLEASON, was a resident of the State of Massachusetts and a citizen of the United States of America, and was the Chief of Police of the Holland Police Department in Holland Massachusetts and is sued in his individual and official capacity.
12. At all relevant times, the defendant, OFFICER KENNETH FITZGERALD, was a resident of the State of Massachusetts and a citizen of the United States of America, and was an officer of the Holland Police Department in Holland, Massachusetts and is sued in his individual and official capacity.
13. At all relevant times, the defendants, HOLLAND POLICE OFFICERS JOHN DOE 1, 2, 3, 4, 5, 6 were residents of the State of Massachusetts or the State of Connecticut and were officers of the Holland Police Department in Holland, Massachusetts and are sued in their individual and official

capacities.

14. At all relevant times, the defendant, AGENT SCOTT E. HALEY, was a resident of the State of Massachusetts and a citizen of the United States of America, and was an Agent for the Palmer Police Department, in Palmer Massachusetts, and is sued in his individual and official capacity.
15. At all relevant times, the defendants, EASTERN HAMPDEN TASK FORCE AGENTS JOHN DOE 1, 2, 3, 4, 5, were residents of the State of Massachusetts or the State of Connecticut and were Agents for the Eastern Hampden Task Force, in Palmer Massachusetts, and are sued in their individual and official capacities.

FACTS

16. David and Judith Bunn are married and at all relevant times, lived at The Property, Holland Massachusetts (hereinafter, "The Property").
17. Christena Dodge is the daughter of David and Judith Bunn and at all relevant times, lived at The Property with her husband Jamie Dodge and their two minor children Phoenix Dodge and Justice Dodge.
18. Daniel Collins, is the son of Judith Bunn and at all relevant times, lived at The Property.
19. David Bunn, Judith Bunn, Daniel Collins, Christena Dodge, Jamie Dodge and Cougar John Bunn are activists for the legalization of marijuana for medical purposes.

20. David Bunn and Judith Bunn have participated in protests and have been featured in magazines and newspaper articles that are in favor of the legalization of marijuana, and were on the Board of Directors for a pro-marijuana group called Mass/Cann.
21. David Bunn has a legal prescription for the use of marijuana for medicinal purposes.
22. On March 25, 2003, Defendant, Scott Haley, Lead Agent Eastern Hampden County Narcotic Task Force, filed an application for a search warrant and signed an affidavit in support of the application and a search warrant was issued.
23. The search warrant sought to search the property at The Property, where the plaintiffs, were living.
24. The search warrant stated that defendant, Chief Gleason, "reported that the Holland Police Department had been receiving information that a David Bunn whom lives with his family on Maybrook Road in that town was selling marijuana from the house."
25. The search warrant referenced that David Bunn is an activist for the legalization of marijuana is actively involved in public protests for the legalization of marijuana. Copies of newspaper articles in which David Bunn was interviewed were attached to the warrant.
26. Defendant, Haley, represented that he and Defendant Gleason

recruited a confidential informant and that the confidential informant reported to (1) buying marijuana from David Bunn, at the property at The Property; (2) witnessing the sale of marijuana at The Property; (3) knowing about David Bunn's political activism; and (4) making controlled buys of marijuana from David Bunn on February 25, 2003, March 14, 2003, and March 23-25, 2003.

27. The warrant contains the following false and misleading representations which were made knowingly and intentionally by defendants, Gleason and Haley:
- (a) The warrant describes a vehicle of the Bunn family vehicle that is incorrect;
 - (b) The warrant sets forth the date of the controlled buy made by the confidential informant on a date that the plaintiff, David Bunn, was in the hospital for a surgery;
 - (c) The Defendant, Haley, represented in the warrant that the confidential informant was inside the house at The Property and made three controlled buys from David Bunn, the last being 48 hours prior to the execution of the search warrant, but David Bunn was in the hospital during the 48 hours prior to the execution of the warrant, and David Bunn was in the hospital from March 20, 2003 through March 25, 2000. On March 25, 2003, David Bunn had major

surgery. David Bunn remained in the Harrington Memorial Hospital for several days after the surgery;

- (d) The Defendant, Haley, represented in the warrant that the confidential informant made a controlled buy from David Bunn on February 25, 2003, but David and Judith Bunn were in Maine from February 22, 2003, through February 25, 2003, on which date David Bunn went to the emergency room at the Harrington Memorial Hospital;
- (e) The Defendant, Haley, represented in the warrant that the confidential information made a controlled buy from David Bunn on March 14, 2003, but David Bunn was at Harrington Memorial Hospital on such date, as he was extremely ill. During the times in which David Bunn was not in the hospital, he was sick in bed due to his severe illness;
- (f) The Defendant, Haley, states that Chief Gleason and he recruited a confidential informant together which is false;
- (g) The search warrant states that the third controlled buy was made within 48 hours of the writing of the search warrant, the search warrant was written and signed on March 25, 2003, however, in response to a Motion for Discovery in the criminal case, the defendants responded that the third buy was made on March 28,

2003, between 5:00 p.m. and 7:00 p.m. The search of the house occurred on March 27, 2003;

(h) The search warrant refers to a confidential informant, who does not exist and was fabricated by Haley and Gleason.

28. On March 27, 2003, the Holland Police Department in conjunction with the Eastern Hampden County Drug Task Force, (hereinafter, "Task Force"), executed the search warrant (hereinafter, "The Raid") at The Property.

29. David Bunn and Judith Bunn were not home when the search warrant was executed. David Bunn was in the hospital and Judith Bunn was visiting David Bunn in the hospital.

30. Present at The Property during The Raid was Christena Dodge, her husband, Jamie Dodge, and their children, Phoenix Dodge, who was two years old, and Justice Dodge who was six months old. Also home at the time of The Raid was Daniel Collins, age nineteen.

31. Cougar John Bunn, who was age fifteen, was living in the house at the time of The Raid but was at school during the time of The Raid.

32. On the morning of The Raid, approximately fifteen Task Force Agents, including Agents John Doe 1, 2, 3, 4, 5 and Holland Police Officers John Doe 1, 2, 3, 4, 5, 6, sergeants broke in the door of The Property. Two Massachusetts State Police were also present at the Property.

33. During The Raid, Jamie Dodge was woken up by an Agent pointing a gun in his face and screaming at him. In his bedroom, there were three other officers yelling at him. As soon as he got up out of bed he was handcuffed and brought into the kitchen where his wife and children were being held by other officers.
34. During The Raid, the defendants, Officers and Agents yelled at the infants and pointed a gun to the children's dog's head and threatened to shoot the dog in front of the children. When the children were crying and screaming, the Officers and Agents yelled at Christena to quiet the children but when given a toy, a defendant Officer grabbed it from the child.
35. During The Raid, the defendant Officers and Agents, repeatedly yelled and swore at Christena Dodge, Jamie Dodge and Daniel Collins and destroyed many of the possessions and furniture in the house.
36. The defendants, Officers and Agents repeatedly swore, criticized and made fun of the plaintiffs while they were in handcuffs.
37. The defendants, Officers and Agents, made fun of Christena Dodge's metal hip and disability.
38. During the raid, the defendants, Officer and Agents, tracked mud, dirt and dog feces throughout the house from the outside.
39. David Bunn, who was the target of the raid, was in the hospital

recovering from surgery, when he learned of the raid. David Bunn was so upset and concerned for his family he attempted to leave the hospital and disconnected himself from his IV and life support.

40. As a result of the illegal raid, Christena Dodge and Judith Bunn were charged with one count each of Massachusetts General Statutes c.94C Section 34, Possession of Marijuana Class D. The criminal charges were dismissed in August, 2005.

41. No charges were ever filed against David Bunn, although he remains a suspect and his criminal case is considered still open.

42. Following the raid, the plaintiffs have been repeatedly, as follows:

(a) On March 28, 2003, the day after the raid, a complaint was made to the Holland Board of Health and the Department of Social Services, stating that the toilets in the house did not work dog feces had been found in the house. On that day, Sally Blais, a member of the Holland Board of Health, Holland Police Officer Pillsbury, and the Town engineer, went to the Property and checked the toilets (that all worked) and took a picture of the septic tank.

(b) On March 29, 2003, a false complaint was made that the Bunn's dog, killed a cat in the neighborhood and at approximately, 8:00 p.m. that night, several Holland police officers and two Police SUV's arrived at the property to investigate the incident.

- (c) On January 9, 10, 2006, Defendant, Chief Gleason, threatened the plaintiff, Judith Bunn, that he as the Chief would be re-filing the charges against her and Christena and filing the charges against David Bunn.
- (d) On January 29, 2006, Daniel Collins, was harassed by a Holland Officer, Badge #: 553, when he was pulled over for speeding in Holland, Massachusetts, while Collins was driving in a vehicle registered to Judith Bunn, a sobriety test was given without probable cause, which came back negative, Collins was searched for weapons without probable cause. The Officer repeatedly questioned Collins about his relation to Judith and David Bunn and whether he lived at The Property and made comments about the notoriety of the property, and his parents.
- (e) From the date that the criminal charges against the plaintiffs were dismissed, through the present, Judith Bunn and David Bunn, have made repeated requests to Chief Gleason for the return of the property that was illegally seized during the raid, which is valued at atleast \$5,000.00, as well as \$850.00 in cash. In response to the Bunn's requests, Chief Gleason has ignored the requests, denied the requests, and has threatened the Bunns with refiling charges against the family. Gleason also told Judith Bunn not to contact him further

and that he would not respond to her requests. This denial of the property by Gleason occurred even after the Bunns provided Gleason with a Release of the Property from the State Prosecutors.

CAUSES OF ACTION

FIRST COUNT : VIOLATION OF DAVID BUNN, JUDITH A. BUNN, DANIEL COLLINS', CHRISTENA DODGE AND JAMIE DODGE'S FOURTH AMENDMENT RIGHTS (UNLAWFUL SEARCH AND SEIZURE), PURSUANT TO 42 U.S.C. § 1983, AS TO ALL DEFENDANTS.

43. Paragraphs 1 through 42 are hereby incorporated into this the First Count, as if set forth in their entirety herein.
44. The affidavits submitted in support of Haley's application for a search warrant contained deliberate and material omissions of fact that render the warrant unconstitutional for lack of the necessary probable cause.
45. The statements contained in the warrant were false and were made knowingly and intentionally, and with reckless disregard for the truth, and the false statements were necessary to the finding of probable cause.
46. If the affidavit's false material were to be set to one side, the affidavit's remaining content is insufficient to establish probable cause.
47. The warrant contained inaccuracies or omissions if because (1) the claimed inaccuracies or omissions were the result of the affiant's deliberate falsehood or reckless disregard for the truth; and (2) the alleged falsehoods or omissions were necessary to the judge's probable

cause finding.

48. After putting aside the erroneous information and material omissions, there does not remain a residue of independent and lawful information sufficient to support probable cause.
49. The defendants, Haley and Gleason, violated the plaintiffs', Judith Bunn, David Bunn, Christena Bunn, Jamie Bunn, Cougar John Bunn, Fourth Amendment rights as follows:
 - (a) The defendants, each and all of them, failed to secure to the plaintiff, unlawfully deprived the plaintiff, or caused the plaintiff to be unlawfully deprived of rights secured to them by the United States Constitution and by Title 42 United States Code § 1983, et. seq.;
 - (b) The defendants unreasonably applied for and secured a search warrant for without legal cause or factual grounds, in violation of the Fourth Amendments of the United States Constitution;
 - (c) The defendants unlawfully searched and seized, the plaintiffs against their will, in violation of the Fourth Amendment of the United States Constitution;
 - (d) The defendants unlawfully intentionally ignored evidence and misrepresented evidence in order to secure a search arrest warrant for the property in which the plaintiffs were residing, without legal

cause or factual grounds; in violation of the Fourth Amendment of the United States Constitution;

- (e) The defendants conspired and drafted a search warrant affidavit that contained false and misleading information, omitted material facts, failed to provide exculpatory evidence and included misrepresentations of evidence in order to falsely secure a search warrant for the plaintiffs, without legal cause or factual grounds; in violation of the Fourth Amendment of the United States Constitution.

51. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not limited to the following injuries, some or all of which are likely to be permanent in nature:

- (a) Loss of dignity, humiliation, and severe emotional pain and suffering;
- (b) loss of privacy within the sanctity of their home;
- (c) anxiety, fear, and trauma, associated with being falsely arrested and/or searched;
- (d) lost income;
- (e) damage to their name and reputation; and

- (f) loss and damage to property.

**SECOND COUNT: VIOLATION OF JUDITH A. BUNN AND CHRISTENA DODGE'S
FOURTH AMENDMENT RIGHTS (FALSE ARREST), PURSUANT TO 42
U.S.C. § 1983, AS TO ALL DEFENDANTS.**

- 52. Paragraphs 1 through 51 are hereby incorporated into this the Second Count, as if set forth in their entirety herein.
- 53. The affidavits submitted in support of Haley's application for a search warrant which produced evidence that lead to the arrest of Dodge and Bunn, contained deliberate and material omissions of fact that render the warrant unconstitutional for lack of the necessary probable cause.
- 54. The statements contained in the warrant, were false and were made knowingly and intentionally, and with reckless disregard for the truth, and the false statements were necessary to the finding of probable cause.
- 55. If the affidavit's false material were to be set to one side, the affidavit's remaining content is insufficient to establish probable cause to search the property and seize the property, which lead to the arrest of Dodge and Bunn.
- 56. The warrant contained inaccuracies or omissions if because (1) the claimed inaccuracies or omissions were the result of the affiant's deliberate falsehood or reckless disregard for the truth; and (2) the

alleged falsehoods or omissions were necessary to the judge's probable cause finding.

57. After putting aside the erroneous information and material omissions, there does not remain a residue of independent and lawful information sufficient to support probable cause for the search which produced evidence that lead to the arrest of Dodge and Bunn.
58. The defendants, Haley and Gleason, violated Bunn and Dodge's, Fourth Amendment rights as follows:
 - (a) The defendants, each and all of them, failed to secure to the plaintiff, unlawfully deprived the plaintiff, or caused the plaintiff to be unlawfully deprived of rights secured to them by the United States Constitution and by Title 42 United States Code § 1983, et. seq.;
 - (b) The defendants unreasonably applied for and secured a search warrant for without legal cause or factual grounds, which produced evidence that lead to the arrest of Dodge and Bunn, in violation of the Fourth Amendments of the United States Constitution;
 - (c) The defendants unlawfully searched and seized, the plaintiffs against their will, in violation of the Fourth Amendment of the United States Constitution, which lead to the false arrest of the plaintiffs;

- (d) The defendants unlawfully intentionally ignored evidence and misrepresented evidence in order to secure a search arrest warrant for the property in which the plaintiffs were residing, without legal cause or factual grounds; in violation of the Fourth Amendment of the United States Constitution;
- (e) The defendants conspired and drafted a search warrant affidavit that contained false and misleading information, omitted material facts, failed to provide exculpatory evidence and included misrepresentations of evidence in order to falsely secure a search warrant for the plaintiffs, without legal cause or factual grounds, which produced evidence that lead to the arrest of Dodge and Bunn, in violation of the Fourth Amendments of the United States Constitution;
- (f) The plaintiffs Bunn and Dodge were falsely arrested as their arrest was based upon an illegal search and seizure and there was not probable cause to arrest Bunn and Dodge.

59. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not limited to the following injuries, some or all of which are likely to be permanent in nature:

- (a) Loss of dignity, humiliation, and severe emotional pain and

suffering;

(b) loss of privacy within the sanctity of their home;

(c) anxiety, fear, and trauma, associated with being falsely arrested and/or searched;

(d) lost income;

(e) damage to their name and reputation; and

(f) loss and damage to property.

THIRD COUNT: VIOLATION OF DANIEL COLLINS, CHRISTENA DODGE AND JAMIE DODGE'S FOURTH AMENDMENT RIGHTS (EXCESSIVE FORCE BEYOND THE SCOPE OF THE SEARCH WARRANT), PURSUANT TO 42 U.S.C. § 1983, AS TO ALL DEFENDANTS.

60. Paragraphs 1 through 59 are hereby incorporated into this the Third Count, as if set forth in their entirety herein.

61. Collins and the Dodge family were forcefully and violently handcuffed for over an hour and a half and were not allowed to attend to the minor children in the house during the illegal search and seizure of their property and the defendants used excessive force beyond the scope of the search warrant, in violation of the plaintiffs' Fourth Amendment Rights.

62. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not

limited to the following injuries, some or all of which are likely to be permanent in nature:

- (a) Loss of dignity, humiliation, and severe emotional pain and suffering;
- (b) loss of privacy within the sanctity of their home;
- (c) anxiety, fear, and trauma, associated with being falsely arrested and/or searched;
- (d) lost income;
- (e) damage to their name and reputation; and
- (f) loss and damage to property.

FOURTH COUNT: VIOLATION OF DAVID BUNN, JUDITH BUNN, CHRISTENA DODGE AND JAMIE DODGE AS TO DEFENDANTS, GLEASON AND HALEY.

63. Paragraphs 1 through 62 are hereby incorporated into this the Fourth Count, as if set forth in their entirety herein.
64. The defendants, each and all of them, failed to secure to the plaintiffs, unlawfully deprived the plaintiffs, or caused the plaintiff's to be unlawfully deprived of rights secured to them by the First Amendment of United States Constitution and by Title 42 United States Code § 1983, et. seq., as follows
- (a) The defendants retaliated against the Bunn's for their public speech by: (1) falsely searching and seizing their property ; (2)

falsely arresting Judith Bunn and the Bunn's daughter Christena; (3) threatening and harassing the Bunns' children and grandchildren: Daniel Collins, Christena Dodge, Jamie Dodge, Cougar John Bunn, Phoenix Dodge and Justice Dodge; and (4) refusing to return the seized property that was taken as a result of the illegal search and seizure;

- (b) the plaintiffs participated in speech that is protected by the First Amendment regarding the legalization of marijuana, in that the plaintiffs were involved in protests and were featured in newspaper articles and magazine articles where the plaintiffs provided interviews speaking out on the need for the legalization of marijuana, and were active members of and on the Board of Directors of a pro-marijuana activist group;
- (c) the defendants' conduct was motivated by or substantially caused by the plaintiffs' exercise of free speech, in that, the defendants were aware of the plaintiffs' public speech and activism and attached copies of newspaper articles in which the plaintiffs were featured to the application for the search warrant.

65. Each of the above named Individual Defendants participated in this misconduct, were aware of their corrupt and illegal activity and their

blatant disregard of the plaintiffs' constitutional and civil rights.

66. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not limited to the following injuries, some or all of which are likely to be permanent in nature:

- (a) Loss of dignity, humiliation, and severe emotional pain and suffering;
- (b) loss of privacy within the sanctity of their home;
- (c) anxiety, fear, and trauma, associated with being falsely arrested and/or searched;
- (d) lost income;
- (e) damage to their name and reputation; and
- (f) loss and damage to property.

FIFTH COUNT: VIOLATION OF ALL OF THE PLAINTIFFS' FOURTEENTH AMENDMENT SUBSTANTIVE DUE PROCESS RIGHTS AS TO ALL OF THE DEFENDANTS.

67. Paragraphs 1 through 66 are hereby incorporated into this the Fifth Count, as if set forth in their entirety herein.

68. During all times relevant to this complaint, the defendants violated plaintiffs' constitutional rights by depriving them of liberty without due process of law by carrying out a pattern of outrageous conduct including, but not limited to: (a) yelling, swearing and threatening the plaintiffs

during the raid; (b) putting a gun the minor children's dog's head in front of the children and threatening to shoot the dog; (c) breaking down every door in the plaintiffs' house, pointing guns at the plaintiffs' heads, terrifying the minor children; destroying property; (d) insulting, laughing and swearing at the plaintiffs, including criticizing Christena Dodge's disability; (e) denying the plaintiffs the ability to use the bathroom after over an hour of sitting handcuffed in pajamas in their own kitchen; (f) forcing the females in the house to stand naked (as they were sleeping when the agents and officers arrived) in front of numerous male agents and officers with guns pointed at them before allowing them to dress.

69. During all times relevant to this complaint, the plaintiff was subjected to continual and progressive harassment and intimidation by the defendants, all in violation of the plaintiff's constitutional rights.
70. The defendants, each and all of them, failed to secure to the plaintiff, unlawfully deprived the plaintiff, or caused the plaintiff to be unlawfully deprived of rights secured to him by the United States Constitution pursuant Title 42 U.S.C. § 1983, et seq. by their promotion and acquiescence of the aforementioned activities.
71. The actions of the defendants were and are extreme and outrageous, shocking to the sensibilities of any reasonable person and will continue unabated unless strictly prohibited by the court.

72. Defendant's actions are in violation of the aforementioned constitutional and statutory provisions and entitle the Plaintiff to immediate injunctive relief pursuant to the aforementioned jurisdictional statutes and constitutional protection.

73. As a result of the violation of the plaintiffs' civil rights, as aforesaid, the plaintiffs were caused to suffer the following injuries, but this claim is not limited to the following injuries, some or all of which are likely to be permanent in nature:

- (a) Loss of dignity, humiliation, and severe emotional pain and suffering;
- (b) loss of privacy within the sanctity of their home;
- (c) anxiety, fear, and trauma, associated with being falsely arrested and/or searched;
- (d) lost income;
- (e) damage to their name and reputation; and
- (f) loss and damage to property.

SIXTH COUNT: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS BY ALL PLAINTIFFS AGAINST ALL DEFENDANTS.

74. Paragraphs 1 through 73 are hereby incorporated into this the Sixth Count, as if set forth in their entirety herein.

75. The defendants, intended to inflict severe emotional distress upon the plaintiffs, and knew or should have known at all times that their acts or omissions as alleged herein would result in severe emotional distress to the plaintiffs.
- 76.
77. The acts and omissions of the defendants were extreme, outrageous and dangerous.
78. As a direct and proximate result of said acts or omissions, the plaintiff suffered emotional distress.
79. The plaintiff claims damages.

WHEREFORE, the plaintiffs claims judgment against the defendants as follows:

- (1) Compensatory money damages;
- (2) Punitive damages as provided by 42 U.S.C. §§ 1983, and other applicable law;
- (3) Attorney's fees and costs as provided by 42 U.S.C. §§ 1988, and other applicable law;
- (4) Lost and future lost wages; and
- (5) Such other relief in law or equity as the Court may deem appropriate.
- (6) A Jury trial is requested.

PLAINTIFFS,

By: _____

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CERTIFICATION

The undersigned hereby certifies that on this 13th day of November, 2006, the

foregoing was electronically transferred and mailed, via First Class mail,
postage pre-paid, to the following:

Patricia Rapinchuk
Robinson Donovan, PC
1500 Main Street, Suite 1600
Springfield, MA 01115

Erin O'Neil-Baker